Supreme Court, U.S.
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No. 09-1074

SUPREME COURT OF THE UNITED STATES
October Term, 2010

John C. Justice and Mike Woodward,

Petitioners,

v.

THE TOWN OF CICERO,
Dennis Doe,
Jerry J. Jarosz, and
One to Two Dozen Unnamed or Unknown
Employees of the Town of Cicero,
Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Seventh Circuit

PETITION FOR REHEARING

John C. Justice,
in propria persona
1699 South 55th Ave.
Cicero, Illinois 60804
708-656-3250

Mike Woodward,
in propria persona
216 E 200 South
Brigham City, Utah
84302
435-723-6975

PETITION FOR REHEARING

In Petitioners' Petition for Writ of Certiorari, the following questions were presented for review:

1. Is the Second Amendment to the Constitution for the United States violated when a State or its subdivisions requires registration of arms?

2. Is the Fourth Amendment to the Constitution for the United States violated when the police of the Town of Cicero invade an area that was not included in the administrative search warrants for the sole purpose of seizing articles that are not prohibited by law?

3. Is the Fifth Amendment right to due process violated when the rules of the Circuit Court of Appeals for the Seventh Circuit do not allow parties represented by counsel to plead concurrently and do not address the pleadings filed by the plaintiffs?

4. Is the Ninth Amendment to the Constitution for the United States violated when a municipality demands that an American citizen be licensed to engage in his own private business?

5. Is a right to privacy protected under the Ninth Amendment to the Constitution for the United States violated when police invade a closed room, wake a sleeping man by playing their pistols' laser

sights on his eyes and evict him from a building in which he was welcomed by the owner to stay and to protect?

The petition was denied on June 14, 2010; this petition for rehearing is being filed on July 9, 2010, within the 25 days allowed.

Since the denial of the petition, the Court's opinion in *McDonald v. Chicago,* 08-1521 (June 28, 2010) incorporated the Second Amendment under the Fourteenth applying a privilege to citizens of the United States, as did the ruling in *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008) which applied to the area over which the federal government undoubtedly has jurisdiction. Both cases challenged municipalities prohibition of the right to keep arms, secured under the Second Amendment to the Constitution, and the petitioners in both cases asked to register handguns in their homes.

Justice and Woodward, petitioners in this case, had raised the issue of registration in the district court (Documents 68 and 69) and in the court of appeals, and now have greater reason to point out that *Heller* and *McDonald* are not victories in preserving the Constitution, our nation, and out liberties–they are traps, which, when everyone has accepted registration of his arms, will result in some future (or current) tyrant demanding and receiving the surrender of all registered arms.

In support of this premise, the BRIEF OF *AMICUS CURIAE* JEWS FOR THE PRESERVATION OF FIREARMS OWNERSHIP IN SUPPORT OF PETITIONERS in *McDonald* is wholly supportive of this position and is included here by reference in as much as it is readily available to the Court.

It is far better to address this issue now rather than after some horrible consequence in the not too distant future when there will not be a 5 to 4 majority to preserve our rights.

Federal Law at 18 U.S.C.926 (2) (a) already prohibits registration but that has not inhibited the City of Chicago from immediately enacting an ordinance, approved by a vote of 49 to 0 in the city council, with registration as one of its provisions. Heller and McDonald *et al.* asked that their arms be registered, but it is unthinkable that the whole citizenry suffer the consequences of their Counsel's guidance.

> 18 U.S.C. 926 (2) (a): No such rule or regulation prescribed after the date of the enactment of the Firearms Owners Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any

> system of registration of firearms, firearms owners, or firearms transactions or disposition be established. Nothing in this section expands or restricts the Secretary's authority to inquire into the disposition of any firearm in the course of a criminal investigation.

The Petitioners stand on the other issues raised in the questions presented for review, believing that the questions merit ruling by the Court if individual liberties are to be preserved as guaranteed by the Second, Fourth, Fifth, and Ninth Amendments.

Wherefore, the petitioners pray this Honorable Court rehear their Petition for Writ of Certiorari and grant the Writ.

Respectfully submitted,

John C. Justice,
in propria persona
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CERTIFICATE OF COMPLIANCE WITH RULE 44

Petitioner John C. Justice states that the opinion in *McDonald v. Chicago* has a substantial or controlling effect in proliferation of ordinances and statutes that will require registration of arms infringing on the clear intent of the Second Amendment and objection to this should be brought to the Court's attention.
He certifies that this petition is restricted to the grounds specified in paragraph 44.2 and that it is presented in good faith and not for delay.

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in propria persona
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